



PATENTS

Application Serial No. 10/810,481

Attorney Docket No. CKB-082.03

(Formerly Attorney Docket No. C1104-7082.21)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Mueller et al.

Application No: 10/810,481

Filed: March 26, 2004

For: Multicolored Lighting Method
and Apparatus

Art Unit: 2828

Confirmation No.: 9785

Examiner: Haissa Philogene

CERTIFICATE OF MAILING

I hereby certify that the following paper is being deposited with the United States Postal Service as first-class mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on June 10, 2005.

John Barretto

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

INFORMATION-DISCLOSURE STATEMENT

Sir/Madam:

Pursuant to the duty of disclosure under 37 C.F.R. §§1.56, 1.97 and 1.98, the Applicants request consideration of this Information Disclosure Statement.

PART I: Compliance with 37 C.F.R. §1.97

This Information Disclosure Statement has been filed before the mailing of a first Office Action after the filing of a Request for Continued Examination Under 37 C.F.R. §1.114.

No fee is required.

PART II: Information Cited

The Applicants hereby make of record in the above-identified application the information listed on the attached form PTO-1449 (modified). The order of presentation of the references should not be construed as an indication of the importance of the references.

The Applicants also wish to bring to the attention of the Examiner the following information:

Pursuant to MPEP §2001.06(c), Applicants bring to the Examiner's attention that two U.S. patents relating to the present application have been involved in litigation. These patents include U.S. Patent No. 6,016,038 and U.S. Patent No. 6,150,774, assigned to Color Kinetics, Inc. The present application is entitled to the benefit of at least one of these two patents, under 35 U.S.C. §120.

The aforementioned patents both are involved in the litigation Case No. 02 CV 11137MEL in the United States District Court, District of Massachusetts.

Applicants acknowledge the duty to disclose to the U.S. Patent Office material information that may arise from these litigations, including evidence of possible prior public use or sales, questions of inventorship, prior art, allegations of "fraud," "inequitable conduct," and "violation of duty of disclosure," or any assertion which is contradictory to assertions made to the Examiner during prosecution of the present application.

To this end, Applicants wish to make of record in the present application the following documents from the litigation, together with all exhibits filed therewith:

- Color Kinetics v. Super Vision International, Inc., "Super Vision International, Inc.'s Notice of Filing Declaration of Steve Faber," United States District Court, District of Massachusetts, Case No. 02 CV 11137 MEL.
- Color Kinetics v. Super Vision International, Inc., "Super Vision International, Inc.'s Notice of Filing Declaration of Russell Martin," United States District Court, District of Massachusetts, Case No. 02 CV 11137 MEL.

PATENTS

Application Serial No. 10/810,481

Attorney Docket No. CKB-082.03

(Formerly Attorney Docket No. C1104-7082.21)

- Color Kinetics v. Super Vision International, Inc., “Super Vision International, Inc.’s Notice of Filing Declaration of Tam Bailey,” United States District Court, District of Massachusetts, Case No. 02 CV 11137 MEL.
- Color Kinetics v. Super Vision International, Inc., “Super Vision International, Inc.’s Notice of Filing Declaration of Peter Micha,” United States District Court, District of Massachusetts, Case No. 02 CV 11137 MEL.
- Color Kinetics v. Super Vision International, Inc., “Super Vision International, Inc.’s Notice of Filing Declaration of Brett Kingstone Part I,” United States District Court, District of Massachusetts, Case No. 02 CV 11137 MEL.
- Color Kinetics v. Super Vision International, Inc., “Super Vision International, Inc.’s Notice of Filing Declaration of Brett Kingstone Part II,” United States District Court, District of Massachusetts, Case No. 02 CV 11137 MEL.
- Color Kinetics v. Super Vision International, Inc., “Super Vision International, Inc.’s Notice of Filing Declaration of Brett Kingstone Part III,” United States District Court, District of Massachusetts, Case No. 02 CV 11137 MEL.
- Color Kinetics v. Super Vision International, Inc., “Super Vision International, Inc.’s Notice of Filing Declaration of Brett Kingstone Part IV,” United States District Court, District of Massachusetts, Case No. 02 CV 11137 MEL.
- Color Kinetics v. Super Vision International, Inc., “Super Vision International, Inc.’s Notice of Filing Declaration of Brett Kingstone Part V,” United States District Court, District of Massachusetts, Case No. 02 CV 11137 MEL.
- Color Kinetics v. Super Vision International, Inc., “Super Vision International, Inc.’s Notice of Filing Declaration of Brett Kingstone Part VII,” United States District Court, District of Massachusetts, Case No. 02 CV 11137 MEL.
- Color Kinetics v. Super Vision International, Inc., “Super Vision International, Inc.’s Notice of Filing Declaration of Brett Kingstone Part VIII,” United States District Court, District of Massachusetts, Case No. 02 CV 11137 MEL.
- Color Kinetics v. Super Vision International, Inc., “Super Vision International, Inc.’s Notice of Filing Declaration of Brett Kingstone Part IX,” United States District Court, District of Massachusetts, Case No. 02 CV 11137 MEL.

- Color Kinetics v. Super Vision International, Inc., “Super Vision International, Inc.’s Notice of Filing Declaration of Brett Kingstone Part X,” United States District Court, District of Massachusetts, Case No. 02 CV 11137 MEL.
- Color Kinetics v. Super Vision International, Inc., “Super Vision International, Inc.’s Notice of Filing Declaration of Brett Kingstone Part XI,” United States District Court, District of Massachusetts, Case No. 02 CV 11137 MEL.

Applicants make no representation that the above-identified document(s) provide information material to the examination of the present application. Applicants make these documents of record in the present application primarily for completeness to facilitate the Examiner’s understanding of the nature of the litigation. The Examiner is urged to form his or her own conclusion regarding the relevance of the information contained in these documents.

PART III: Additional Remarks

Documents cited on the attached form PTO-1449 (modified) are enclosed unless otherwise indicated on the attached form PTO-1449 (modified). It is respectfully requested that:

1. The Examiner consider completely the cited information, along with any other information, in reaching a determination concerning the patentability of the present claims;
2. The enclosed form PTO-1449 be signed by the Examiner to evidence that the cited information has been fully considered by the Patent and Trademark Office during the examination of this application;
3. The citations for the information be printed on any patent which issues from this application.

By submitting this Information Disclosure Statement, the Applicants make no representation that a search has been performed, of the extent of any search performed, or that more relevant information does not exist.

PATENTS
Application Serial No. 10/810,481
Attorney Docket No. CKB-082.03
(Formerly Attorney Docket No. C1104-7082.21)

By submitting this Information Disclosure Statement, the Applicants make no representation that the information cited in the Statement is, or is considered to be, material to patentability as defined in 37 C.F.R. §1.56(b).

By submitting this Information Disclosure Statement, the Applicants make no representation that the information cited in the Statement is, or is considered to be, in fact, prior art as defined by 35 U.S.C. §102.

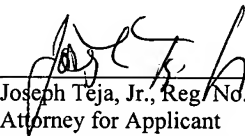
Notwithstanding any statements by the Applicants, again the Examiner is urged to form his own conclusion regarding the relevance of the cited information.

An early and favorable action is hereby requested.

Please charge any additional fee occasioned by this paper to our Deposit Account
No. 06-1448, Reference CKB-082.03.

Respectfully submitted,

Date: June 10, 2005
Customer No: 25181
Patent Group
Foley Hoag, LLP
155 Seaport Blvd.
Boston, MA 02210-2600



Joseph Teja, Jr., Reg. No. 45,157
Attorney for Applicant
Tel. No. (617) 832-1183
Fax. No. (617) 832-7000

**INFORMATION DISCLOSURE SITUATION
IN AN APPLICATION**
(Use several sheets if necessary)

Rocket Number (Optional)

CAB-082.03

Application Number

10/810,481

Applicant

Mayer et al.

Filing Date

March 26, 2004

Group Art Unit

2828

U.S. PATENT DOCUMENTS

EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	5,418,697	05/23/1995	Chiou			
	5,521,708	05/28/1996	Beretta			
	5,532,848	07/02/1996	Beretta			
	5,607,227	03/04/1997	Yasumoto et al.			
	5,653,529	08/05/1997	Spocharski			
	5,831,686	11/03/1998	Beretta			
	5,949,581	09/07/1999	Kurtenbach et al.			
	6,056,420	05/02/2000	Wilson et al.			
	6,335,548	01/01/2002	Roberts			
	6,357,893	03/19/2002	Belliveau			
	6,441,943	08/27/2002	Roberts			
	6,618,031	09/09/2003	Bohn			
	6,676,284	01/13/2004	Wynne Willson			
	6,744,223	06/01/2004	LaFlamme			

FOREIGN PATENT DOCUMENTS

	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	Translation	
						YES	NO
	04-015685 (Abstract Only)	21.01.1992	JP				
	2001-153690	08.06.2001	JP			Yes	

OTHER DOCUMENTS

(Including Author, Title, Date, Pertinent Pages Etc.)

	PROCTOR, P., "Bright Lights, Big Reliability," <i>Aviation Week and Space Technology</i> , September 5, 1994, vol. 141, no. 10, pg. 29, Abstract Only.
	POLLACK, A., "The Little Light Light That Could," <i>The New York Times</i> , April 29, 1996, Business/Financial Desk, Section D, page 1, col. 2, Abstract Only.
	CHINNOCK, C., "Blue Laser, Bright Future," <i>Byte</i> , August 1995, vol. 20, Abstract Only.
	<i>Electronics</i> , vol. 67, no. 20, pg. A4, Abstract Only.
	Color Kinetics v. Super Vision International, Inc., "Super Vision International, Inc's Notice of Filing Declaration of Steve Faber," United States District Court, District of Massachusetts, Case No. 02 CV 11137 MEL.

Form PTO-1449

INFORMATION DISCLOSURE CITATION**IN AN APPLICATION***(Use several sheets if necessary)*

Docket Number (Optional)

CKB-082.03

Application Number

10/810,481

Applicant

Mueller et al.

Filing Date

March 26, 2004

Group Art Unit

2828

Color Kinetics v. Super Vision International, Inc., "Super Vision International, Inc.'s Notice of Filing Declaration of Russell Martin," United States District Court, District of Massachusetts, Case No. 02 CV 11137 MEL.

Color Kinetics v. Super Vision International, Inc., "Super Vision International, Inc.'s Notice of Filing Declaration of Tam Bailey," United States District Court, District of Massachusetts, Case No. 02 CV 11137 MEL.

Color Kinetics v. Super Vision International, Inc., "Super Vision International, Inc.'s Notice of Filing Declaration of Peter Micha," United States District Court, District of Massachusetts, Case No. 02 CV 11137 MEL.

Color Kinetics v. Super Vision International, Inc., "Super Vision International, Inc.'s Notice of Filing Declaration of Brett Kingstone Part I," United States District Court, District of Massachusetts, Case No. 02 CV 11137 MEL.

Color Kinetics v. Super Vision International, Inc., "Super Vision International, Inc.'s Notice of Filing Declaration of Brett Kingstone Part II," United States District Court, District of Massachusetts, Case No. 02 CV 11137 MEL.

Color Kinetics v. Super Vision International, Inc., "Super Vision International, Inc.'s Notice of Filing Declaration of Brett Kingstone Part III," United States District Court, District of Massachusetts, Case No. 02 CV 11137 MEL.

Color Kinetics v. Super Vision International, Inc., "Super Vision International, Inc.'s Notice of Filing Declaration of Brett Kingstone Part IV," United States District Court, District of Massachusetts, Case No. 02 CV 11137 MEL.

Color Kinetics v. Super Vision International, Inc., "Super Vision International, Inc.'s Notice of Filing Declaration of Brett Kingstone Part V," United States District Court, District of Massachusetts, Case No. 02 CV 11137 MEL.

Color Kinetics v. Super Vision International, Inc., "Super Vision International, Inc.'s Notice of Filing Declaration of Brett Kingstone Part VII," United States District Court, District of Massachusetts, Case No. 02 CV 11137 MEL.

Color Kinetics v. Super Vision International, Inc., "Super Vision International, Inc.'s Notice of Filing Declaration of Brett Kingstone Part VIII," United States District Court, District of Massachusetts, Case No. 02 CV 11137 MEL.

Color Kinetics v. Super Vision International, Inc., "Super Vision International, Inc.'s Notice of Filing Declaration of Brett Kingstone Part IX," United States District Court, District of Massachusetts, Case No. 02 CV 11137 MEL.

Color Kinetics v. Super Vision International, Inc., "Super Vision International, Inc.'s Notice of Filing Declaration of Brett Kingstone Part X," United States District Court, District of Massachusetts, Case No. 02 CV 11137 MEL.

Color Kinetics v. Super Vision International, Inc., "Super Vision International, Inc.'s Notice of Filing Declaration of Brett Kingstone Part XI," United States District Court, District of Massachusetts, Case No. 02 CV 11137 MEL.

EXAMINER

DATE CONSIDERED

EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP § 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to the applicant.